



**Central Administrative Tribunal  
Principal Bench, New Delhi**

**O.A.No.653/2021**

**This the 22<sup>nd</sup> day of March, 2021**

(Through Physical Hearing)

**Hon'ble Mr. Pradeep Kumar, Member (A)**

Sh. Mukesh Kumar Chhabra  
S/o Sh. Darshan Lal Chhabra  
R/o A-U/89, Hastal Road Uttam Nagar  
New Delhi-110059  
Ex. Sub Inspector  
Delhi Police No.D-105  
PIS No. 27820047. .... Applicant

(Through Advocate Shri R.P.S.Yadav)

**Versus**

1. The State  
(Govt. of NCT of Delhi)  
Through Chief Secretary,  
5, Sham Nath Marg,  
New Delhi.
2. The Commissioner of Police,  
Police Head Quarter,  
I.P.Estate, New Delhi. .... Respondents

(Through AdvocateMs. Avni for  
Ms. Esha Mazumdar )

**ORDER (Oral)****Hon'ble Mr.Pradeep Kumar, Member (A):**

The applicant herein was appointed as Head Constable (Ministerial) on 28.06.1982. He superannuated on 31.01.2019. While in service a criminal case was lodged against him on 02.8.2010 on the charge of sexual harassment of a fellow female employee under Section 354 and 509. He was suspended also. A departmental enquiry was also ordered against the applicant on 29.9.2010. This enquiry was finalized and he was punished by reducing two stages of his pay permanently. He did not prefer any appeal against this punishment.

2. The Trial Court convicted him under Section 354 but acquitted under Section 509, and imposed imprisonment for six months and fine of Rs 10,000/-. Following this conviction he was dismissed from service on 15.12.2017.
  
3. He preferred an appeal against his conviction. The appellate court acquitted him on 28.8.2018. Thereafter he was reinstated in service vide orders passed on 17.10.2018.



4. The respondents have preferred an appeal against acquittal before the Hon'ble High Court in October, 2018 which is still pending.

5. Meanwhile, the applicant retired on 31.01.2019. He is being paid provisional pension, however, gratuity is withheld. The applicant submitted representation on 14.10.2020 seeking release of gratuity, restoration of promotion, restoration of MACP benefits etc. As his representation has not been decided, he preferred reminders on 21.10.2020, 23.10.2020, 27.10.2020, 07.11.2020 and 22.11.2020.

Since there is no reply on the representations of the applicant followed by several reminders, the instant OA has been filed.

6. The applicant also pleaded that he will be satisfied if certain directions are issued to the respondents to pass a reasoned and speaking order on the pending representations of the applicant.

7. Matter has been considered. It is felt that no prejudice is likely to be caused to the respondents, if the applicant's aforesaid request is acceded to.



8. In view of the foregoing, the present OA is disposed off, at the admission stage itself without going into merits of the case, with a direction to the respondents to pass a reasoned and speaking order on the pending representations dated 14.10.2020 and 22.11.2020, keeping in view the extant rules and instructions on the subject, within a time period of eight weeks, under advice to the applicant. The applicant shall be at liberty to approach this Tribunal, if any grievance still subsist. No costs.

**(Pradeep Kumar)  
Member (A)**

sarita/arti/rita